

REMARKS

Claims 1-17 and 19 have been rejected in the above-identified Office Action. Claims 1, 7-17 and 19 have been amended and claim 4 has been cancelled. Accordingly, claims 1-3, 5-17 and 19 are pending in the application.

AMENDMENTS

Support for the term “hash value” may be found at least in paragraphs 30 and 31 of Applicants’ Specification. Applicants also draw the Examiner’s attention to the last sentence of paragraph 31, where Applicants define the term hash value as having a meaning broader than the one that might be given to it by those of skill in the art: “for the purposes of clarity, all *such* algorithms will be referred to as hashing algorithms that produce hash values” (emphasis added). The “such algorithms” that the sentence refers to are the “deterministic identifying algorithms” which produce “data identifiers”, such as “cryptographic checksums and the like”, mentioned in the previous and only other sentence in the paragraph. Thus, Applicants clearly define hash values to include “data identifiers”, including checksums.

Support for “facilitate login to a user account at a backup server, the user account associated with a user having the wireless communication apparatus and another computing device”, and “to enable the backup server to store the data and provide the data to the other computing device” as now recited by claim 1, may be found at least in Figures 3 and 4 and in paragraphs 18, 19, 28, and 36.

DRAWINGS

In “Drawings,” item 3 on page 2 of the above-identified Office Action, the drawings are objected to for failing to show a “strongly collision free deterministic identifier.” In response, Applicants have deleted the term, obviating the objections.

SPECIFICATION

In “Specification,” item 4 on page 4 of the above-identified Office Action, the disclosure is objected to as lacking proper antecedent basis for the element “strongly

collision free deterministic identifier.” While Applicants continue to disagree with the Examiner, and believe that the Specification fully supports the term “strongly collision free deterministic identifier”, Applicants have nonetheless deleted that term to overcome the objections, to further prosecution, and to obtain allowance of the pending claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In “Claim Rejections – 35 USC § 112,” item 6 on page 4 of the above-identified Office Action, claims 1-16 have been rejected as failing to comply with the written description requirement of 35 USC § 112, first paragraph. The Examiner states that the “strongly collision free deterministic identifier” in claim 1-16 does not appear to be described within the disclosure.

Further, in item 8 on page 5 of the above-identified Office Action, claims 1-17 and 19 have been rejected under 35 USC § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that the “strongly collision free deterministic identifier” in claim 1-16 is vague/unclear, and that the “said identifier” recited by claim 17 lacks antecedent basis.

While Applicants continue to disagree with the Examiner, and believe that the term “strongly collision free deterministic identifier” is clear, definite, and well-supported by the Specification, Applicants have nonetheless deleted that term to overcome the objections, to further prosecution, and to obtain allowance of the pending claims. Further, Applicants have amended claim 17 to correct the antecedent basis problem. Accordingly, Applicants respectfully submit that claims 1-17 and 19 are patentable under §112.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” item 9 on pages 6 of the above-identified Office Action, claims 1-17 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0156921 to *Dutta et al.* (hereinafter *Dutta*) in view of U.S. Patent No. 6,865,655 to *Andersen* (hereinafter *Andersen*).

More specifically, the Examiner cites a number of figures and passages of *Dutta* as teaching most of the recitations of claim 1. Those figures and passages describe in detail a

system for back-up of a mobile device driven by a back-up server. The back-up server is described as pushing a back-up request to a client through a proxy/gateway and providing an application to the client to facilitate the client in sending data to the back-up server. Dutta, however, fails to describe any sort of identifier for the data to be backed-up or conditionally sending of the data from client to back-up server based on whether the back-up server already stores the data.

On page 7, the Examiner acknowledges the deficiencies of Dutta, and cites Andersen as curing these deficiencies. Andersen teaches clients configured to provide back-up data to a back-up server only if the server does not have the data. In the passages cited by the Examiner, the client is disclosed as first generating a hash value for a data portion using a hash algorithm, although Andersen notes that other identifiers, such as checksums, may be used. The client then checks a local catalog which lists portions stored on the back-up server to determine if the portion is stored on the back-up server. If the portion is not listed, the client provides the hash value/identifier to the back-up server. The back-up server then determines whether it stores data associated with the hash value/identifier and provides a result of the determination to the client. If the back-up server indicates that it already stores the data portion, then the client simply adds the hash value/identifier for the portion to the catalog. If the back-up server indicates that it does not have the data portion, then the client provides the data portion to the back-up server and adds it to the catalog (Figures 5 and 6). When the client seeks to restore backed-up data, the client examines the catalog and retrieves a back-up server key associated with the hash value/identifier for a data portion (Figures 3 and 8). The client then provides the key to the back-up server and receives, in return, the data portion.

Claims 1-10 and 12-15

First, Applicants note that claim 4 is cancelled, obviating its objection.

Second, in response to the Examiner's above described rejection, Applicants have amended claim 1 to overcome the Examiner's rejection. Claim 1 now recites "facilitate login to a user account at a backup server, the user account associated with a user having the wireless communication apparatus and another computing device" and "only if said backup server indicates that said data is not already available to said backup server, send said data to

said backup server to enable the backup server to store the data and provide the data to the other computing device.”

Dutta and Andersen, in contrast, fail to teach or suggest these additional recitations. Neither Dutta nor Andersen describe any sort of login process or association of client devices with a user account at a back-up server. Rather, both suggest a device-based rather than account based method of storing and restoring back-up data. In Andersen, the mediating entity is the catalog, not a user account. Andersen only enables a client device to retrieve data listed in its catalog, and the only data that can possibly be listed in its catalog is data on the device itself. Thus, a client in Andersen can never recover data that it never stored.

In claim 1, in contrast, through a user account associating a first communication device with another, the other computing device is able to retrieve/“restore” data which has only ever been stored on the first device (“send said data to said backup server to enable the backup server to ... provide the data to the other computing device”). Nothing in Dutta and Andersen discusses or remotely suggests such an ability to use the store/restore capabilities of the clients and back-up server to share data between associated clients.

Accordingly, claim 1, as amended, is patentable over Dutta and Andersen.

Claim 12 is directed to a method of claim 1, and recites similar elements. Accordingly, for at least the same reasons, claim 12 is also patentable over Dutta and Andersen.

Claims 2, 3, 5-10 and 13-15 depend from claims 1 and 12, incorporating their recitations. Thus, for at least the same reasons, claims 2, 3, 5-10, and 13-15 are patentable over Dutta and Andersen.

Claims 11, 16, 17, and 19

Applicants respectfully disagree with the Examiner’s rejection of claim 11. Even if one assumes for the sake of argument that catalog of Andersen suggests the “backup compilation” recited by claim 11, and consequently that Dutta and Andersen suggest “select a backup compilation”, as recited by claim 11 (contentions with which Applicants respectfully disagree), Dutta and Andersen fail to teach or suggest “receive a hash value for restoration data from said backup compilation from a backup server” or “only if said hash

value is not identical to any hash value of data currently on the wireless communication apparatus, receive said restoration data from said backup server.”

At no point does the client of Dutta and Andersen ever receive a hash value from the back-up server. Rather, the client retrieves the above described catalog, either locally or from the server, locates a “backup server key” for data which it would like to retrieve, and provides the key to the back-up server. In response, the client receives the data. Receipt of the data is disclosed as being unconditional. Once the client provides the server with the backup key, there is no further hurdle to receipt of the data. In claim 1, in contrast, before even receiving the data, the requesting client receives a hash value to determine whether that requested data is already stored on the client device. Further, by providing the catalog to the client, Dutta and Andersen teach away from the need to provide a hash value to the client. As discussed in col. 19, lines 3-23, the catalog enables the user to determine which portions need to be restored. Thus, having the back-up server provide a hash value to the client would be unnecessary and would impair the efficiency of the system described in Dutta and Andersen.

Accordingly, claim 11, is patentable over Dutta and Andersen.

Claims 16 and 17 recite similar elements to those of claim 11. Accordingly, for at least the same reasons, claims 16 and 17 are also patentable over Dutta and Andersen.

Claim 19 depends from claim 17, incorporating its recitations. Thus, for at least the same reasons, claim 19 is patentable over Dutta and Andersen.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 1-3 and 5-17 and 19 are solicited.

If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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